

County Clerks and Public Records

Indiana County Clerk's Conference
June, 2013

What is a Government Record?

“Any writing, paper, report, study, map, photograph, card, tape recording, or other material that is created, received, retained, maintained, used or filed by a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, electronically stored data, or any other material, regardless of form or characteristics.”



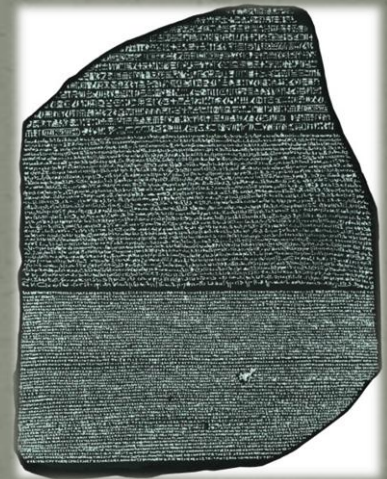
Not this kind of record

Government Records

- What Does That Include?
 - ✓ Paper
 - ✓ Film and microforms
 - ✓ Website
 - ✓ Email
 - ✓ Data in a database
 - ✓ Born-digital records
 - ✓ Scanned/Digitized images
 - ✓ Audio files
 - ✓ Social Media
 - ✓ Metadata and Indexes

What is Records Retention?

- How is the length of retention determined?
 - Generally, Records Management staff work with an agency to identify:
 - The Administrative and Fiscal value
 - Legal value
 - Public Demand and Interest, and
 - Historical value of the information
- Paper, Film, Electronic, Stone Tablets
 - Retention is based upon content – NOT storage media



Local Government Retention Schedules

- ▶ County /Local General (GEN)
- ▶ Assessing Official (AS)
- ▶ County Auditor (AU)
- ▶ County Clerk Non-Judicial (CL)
- ▶ County Coroner (CO)
- ▶ County Recorder (RE)
- ▶ County Treasurers (TR)

The local retention schedules are available via:
schedules.icpr.IN.gov

County/Local General Retention Schedule (GEN)

This Retention Schedule is divided into five (5) categories:

1. Administrative
2. Accounting and Finance
3. Personnel
4. Publications and Reports
5. Audio, Video and General Media

Retention periods for some records are increased in length of time to be retained because current Indiana Code statute of limitations have been applied to all records on this schedule.

Other Local Schedules

- **City/Town/District Retention Schedules**
 - Cities And Towns (CT)
 - Assessing Official (AS)
 - Special Districts (SD)
 - Township Trustee (TT)
- **Other Local Retention Schedules**
 - Public Libraries (LIB)
 - Care Of Indiana Public School Records: A Record Creator's Guide
- **Additional Retention Information**
 - Year-to-Year Destruction Schedule
 - Judicial Records Retention Schedule

Destruction of Records

- It may be illegal to destroy government records if you do not have an approved records retention schedule or permission from your county commission of public records.



Indiana Law:

A public official may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a retention schedule or with the written consent of the commission (on public records). IC 5-15-5.1-1-14

Retention Periods...

- Transitory: can be destroyed immediately.
- Short-term: generally ten years or fewer.
- Long-term: greater than ten years and not permanent.
- Permanent: A long, long time; like forever.



Permanent Records

- In many jurisdictions, you can only destroy permanent paper records if you MICROFILM the original paper records.
- If you digitize Permanent records, or they are submitted electronically, they may also be REQUIRED to be converted to microfilm. Indiana's Micrographics & Imaging Lab can assist! (icpr.IN.gov/2341.htm)
- Digital records are generally NOT recognized as **Permanent** format to preserve information.

Electronic Records & Preservation

- Challenges of Digital Technology
 - Fragile media
 - Technology dependence
 - Technology obsolescence
 - Distributed storage
 - Where is the record copy?
 - Chain of custody
 - Easy to copy, hard to preserve
 - Explosive growth

Digital Format Obsolescence

“There is considerable controversy over the physical lifetimes of media: for example, some claim that tape will last for 200 years, whereas others report that it often fails in a year or two. However, physical lifetime is rarely the limiting factor, since at any given point in time, a particular format of a given medium can be expected to become obsolete within no more than 5 years.”

Jeff Rothenberg, "Ensuring the Lifetime of Digital Information"

<u>Medium</u>	<u>Physical Lifetime</u>	<u>Avg. Time Until Obsolete</u>
optical (CD)	5-59 years	5 years
digital tape	2-30 years	5 years
magnetic disk	5-10 years	5 years



Indiana Electronic Records Program

- ICPR is working to establish guidelines for State and local governments to aid in the implementation of effective electronic records management programs
- The Indiana Electronic Records Policy provides a framework that illustrates the contents of an effective program by seeking to ensure that governmental units create and manage trustworthy records that demonstrate four core attributes.



E-Records: Four Core Attributes

- **Authenticity** – An authentic record is one that can be proven:
 - To be what it purports to be;
 - To have been created or sent by the person purported to have created or sent it; and
 - To have been created or sent at the time purported.
- **Integrity** – Refers to the record being complete and unaltered.
- **Reliability** – A reliable record is one whose contents can be trusted as a full and accurate representation of the transactions, activities or facts to which they attest and can be depended upon in the course of subsequent transactions or activities.
- **Useability** – A useable record is one that can be located, retrieved, presented and interpreted.

Integrity and Authenticity: a practical note

- Access to Public Records Act requests
- Confidential or partially-confidential records requested
 - Never redact records in a way that changes the original record
 - Always redact using a public or use copy

State Historic Records Advisory Board (SHRAB) Grants

- The 2013 Hoosier History Assessment and Digitization Grant application period closed on Friday, May 31
- The SHRAB received grant applications from clerks, recorders, treasurers, public libraries, and non-profit organizations
- A max of \$5,000 will be provided to each grantee as reimbursement for an archival assessment or digitization project
- Grantees will be announced on July 3!
- Visit SHRAB.IN.gov for updates

State-Sponsored Workshops

- Annually, ICPR and the SHRAB offer a series of records management workshops in Indiana. In the past, these workshops have focused on:
 - Preservation of records
 - Archival Basics
 - Electronic Records
 - Government records
- IPER Training –
 - Intergovernmental Preparedness for Essential Records – info available via www.statearchivists.org/iper

SHRAB

*Indiana State Historic
Records Advisory Board*



CoSA

Council of State Archivists

Probate Records Project

- ICPR is working with the Supreme Court, Ancestry.com and Family Search to convert existing Probate Record Microfilm created by Family Search (formerly the Genealogical Society of Utah) into digital images.
- All Indiana Counties for whom microfilm was created are participating in the project.
- You will receive a copy of the digital images for your county.

Future ICPR Initiatives

- ICPR is exploring working with Family Search to digitize the tax duplicate records and then make a determination about paper holdings.
- ICPR anticipates having a Law Enforcement Records Retention Schedule by the end of 2013, and will be updating the School Schedule soon.
- 2014 Legislation may change the agency's name to the Indiana State Archives and Records Administration.
- May be undertaking a major digitization initiative next year to provide access to State Archives holdings

ICPR Local Records Website

schedules.icpr.IN.gov:

▶ **Specific to County/Local Records**

- Records Retention Schedules
- Example of County E-Mail Retention Policy (Bartholomew Co.)
- Guide to Preservation and Destruction of Local Public Record
- Forms (for county/local records)
- County and Local Government Links

▶ **General Records Management**

- What is a Retention Schedule?
- Publications
- Laws
- Links
- Records Disaster Prevention and Reporting

Notice of Destruction – SF 44905

Reset Form



NOTICE OF DESTRUCTION (Local Government Public Records)

State Form 44905 (R3 / 11-10)

INDIANA COMMISSION ON PUBLIC RECORDS
402 West Washington Street, Room W472
Indianapolis, Indiana 46204

- INSTRUCTIONS:**
1. Complete this form, listing all requested information.
 2. Send the original to the Clerk of the Circuit Court of your county.
 3. Send a copy of this form to the Indiana Commission on Public Records at the above address.
 4. Retain a copy of this form for your records.

RECORDS MEASUREMENT TABLE

1 Archives box (10" x 12" x 15") inside = 1 cubic foot of records	1 Linear foot of 8 1/2" x 14" documents = 1 cubic foot
1 Letter size file drawer = 1 1/2 cubic feet of records	1 Linear foot of 8 1/2" x 11" documents = 4/5 cubic feet
1 Legal size file drawer = 1 1/2 cubic feet of records	1 Linear foot of tab cards = 1/6 cubic feet
1 Number 11 record transfer box = 2 cubic feet of records	1 Linear foot of 3" x 5" cards = 1/9 cubic feet

Name of office		County	
Address (number and street)		City	ZIP code
Name of contact person	Telephone number ()	E-mail address	
TITLE OF RECORDS DESTROYED	DATE OF RECORDS	RECORD SERIES AUTHORITY	VOLUME (cubic feet)

Request for Permission to Destroy or Transfer Certain Public Records – PR-1, SF 30505

Reset Form



REQUEST FOR PERMISSION TO DESTROY OR TRANSFER CERTAIN PUBLIC RECORDS (PR-1)

State Form 30505 (R4 / 11-10)

INDIANA COMMISSION ON PUBLIC RECORDS
402 West Washington Street, Room W472
Indianapolis, Indiana 46204

- INSTRUCTIONS:**
1. Prepare in quintuplicate (five copies).
 2. The original and three copies must be filed with the County Commission of Public Records and a copy retained by the originating agency.
 3. Upon approval by the County Commission, the Secretary must forward one copy to the **Indiana Commission on Public Records** at the above address; one copy to the county historical society (if any); and retain the original and one copy for sixty (60) days, during which time the records may be procured by an active genealogical or historical society of the county or by the Indiana Commission on Public Records, State Archives Division.
 4. Upon the expiration of sixty (60) days the copy retained shall be forwarded to the agency, as authority to dispose of the records in accordance with the action thereon by the County Commission.
 5. The original shall be preserved as a part of the minutes of the County Commission.

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TO BE COMPLETED BY THE ORIGINATING AGENCY OR OFFICE

Name of government agency		Date (month, day, year)
Address of government agency (number and street, city, state, and ZIP code)		
Name of contact person	Telephone number ()	E-mail address
Type of request (check one) <input type="checkbox"/> Request to destroy <input type="checkbox"/> Request to microfilm and destroy <input type="checkbox"/> Request to destroy previously microfilmed originals <input type="checkbox"/> Request to transfer to:		
TO: Secretary, Commission of Public Records, of County, Indiana		
NAME OR DESCRIPTION OF RECORDS	VOLUME OF RECORDS (see records measurement table)	DATE OF RECORDS

IC 5-15-6 – Local Public Records Commissions



Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

IC 5-15-6

Chapter 6. Local Public Records Commissions

IC 5-15-6-1

County commissions of public records; creation; membership; meetings

Sec. 1. (a) A commission is hereby created in each county of the state which shall be known as the county commission of public records of _____ county.

(b) The county commission shall consist, ex officio, of the judge of the circuit court, the president of the board of county commissioners, the county auditor, the clerk of the circuit court, the county recorder, the superintendent of schools of the school district in which the county seat is located and the city controller of the county seat city, and if there is no city controller, then the clerk-treasurer of the county seat city or town shall be a member of such commission.

(c) The commission shall elect one (1) of its members to be chairman and the clerk of the circuit court shall be secretary. The members of the county commission shall serve without compensation and shall receive no disbursement for any expense.

(d) The county commission shall meet at least one (1) time in each calendar year.

(Formerly: Acts 1939, c.91, s.1; Acts 1955, c.319, s.1; Acts 1969, c.141, s.1; Acts 1972, P.L.41, SEC.1.) As amended by P.L.50-1991, SEC.3.

Thank You!

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